

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Criminal No. 22-40 (JRT/LIB)

UNITED STATES OF AMERICA, )  
                              )  
                              Plaintiff, )     **MOTION TO SUPPRESS EVIDENCE**  
                              )  
                             v. )     **OBTAINED AS A RESULT OF**  
                              )  
                              )  
STEVE ANTHONY SHAND, )     **SEARCH AND SEIZURE**  
                              )  
                              )  
                             Defendant. )

Steve Anthony Shand, through counsel, respectfully moves the Court, pursuant to Rule 12 of the Federal Rules of Criminal Procedure, to suppress all evidence obtained as a result of the traffic stop and search of the van he was driving on January 19, 2022.

Specifically, Mr. Shand maintains that the initial traffic stop was done without reasonable suspicion of a traffic infraction or any other offense; that law enforcement subsequently removed him from his van without constitutionally adequate justification; and that law enforcement searched his van without reasonable suspicion or probable cause. The search of his van is not only itself a separate constitutional violation but is also fruit of law enforcement's initial unlawful traffic stop and Mr. Shand's unlawful removal from the van. And because the car search led directly to the recovery of evidence now being used against Mr. Shand, he respectfully moves the Court to suppress this evidence as fruit of the violations of his Fourth Amendment rights.

Mr. Shand provides the following facts from the discovery to make a *prima facie* case for suppression. He anticipates that these, and other relevant facts, will become part of the record during an evidentiary hearing prior to the Court's ruling on this Motion.

At approximately 8:30 am on January 19, 2022, Border Patrol Agent Christopher Oliver stopped Mr. Shand while he was driving near 180th Street, near its intersection with 410th Ave North of Humboldt, Minnesota. The purported basis for this stop was that Agent Oliver observed the van do a three-point turn. Agent Oliver does not appear to allege that Mr. Shand turning around at an intersection is a traffic violation. *See United States v. Hollins*, 685 F.3d 703, 706 (8th Cir. 2012) (“A traffic stop must be supported by reasonable suspicion or probable cause.” (cleaned up)). While the traffic stop occurred near the border, other than general suspicion, it does not appear that Agent Oliver possessed any specific information that the van Mr. Shand was driving was involved in an illegal border crossing.

For these reasons, Mr. Shand respectfully requests that the Court suppress all fruit of these constitutional violations. Mr. Shand respectfully requests the Court set this matter for an evidentiary hearing and asks that the Government call to testify Agent Oliver.

Dated: April 17, 2024.

Respectfully submitted,

*s/ Aaron Morrison*

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